

By: Pierson, Rios Ybarra

H.B. No. 330

Substitute the following for H.B. No. 330:

By: Branch

C.S.H.B. No. 330

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the appointment of a nonvoting faculty regent to the  
3 board of regents of each state university or state university  
4 system.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter G, Chapter 51, Education Code, is  
7 amended by adding Sections 51.358 and 51.359 to read as follows:

8 Sec. 51.358. NONVOTING FACULTY REGENT; UNIVERSITY SYSTEM  
9 BOARD OF REGENTS. (a) In this section, "faculty senate" means the  
10 representative faculty organization directly elected by the  
11 general faculty of a general academic teaching institution or  
12 medical and dental unit.

13 (b) The chancellor of each university system shall develop a  
14 uniform application form to be used by each general academic  
15 teaching institution and medical and dental unit in the university  
16 system to solicit applicants for the position of faculty regent.

17 (c) Except as provided by Subsection (f), not later than  
18 November 1 of each year, the faculty senate of each general academic  
19 teaching institution and medical and dental unit in a university  
20 system shall solicit applicants from the faculty of the institution  
21 or unit for appointment to the next regular term of the position of  
22 faculty regent. Not later than January 1, from among the  
23 applications received by the faculty senate, the faculty senate  
24 shall select five applicants as the faculty senate's

1 recommendations for the position of faculty regent and send the  
2 applications of those applicants to the chancellor of the  
3 university system. From among those applicants, the chancellor  
4 shall select two or more applicants as the university system's  
5 recommendations for the position of faculty regent and shall send  
6 the applications of those applicants to the governor not later than  
7 February 1. The governor may request to review all applications  
8 for the position of faculty regent received by any of the faculty  
9 senates and may request an applicant to submit additional  
10 information to the governor. On June 1, or as soon thereafter as  
11 practicable, the governor shall appoint one of the applicants to  
12 serve as the faculty regent for the system for a one-year term  
13 expiring on the next May 31. The governor is not required to  
14 appoint an applicant recommended by the chancellor.

15 (d) To be eligible for appointment as faculty regent, a  
16 person must be a tenured faculty member of a general academic  
17 teaching institution or medical and dental unit in the university  
18 system and be in good standing as determined by the institution at  
19 the time of appointment. The person must remain employed as a  
20 faculty member of the institution throughout the person's term as a  
21 faculty regent.

22 (e) A faculty regent is not a member of the board of regents  
23 of the system for which the faculty regent is appointed. A faculty  
24 regent has the same powers and duties as the members of the board of  
25 regents of the system, including the right to attend and  
26 participate in meetings of the board of regents, except that the  
27 faculty regent:

1           (1) may not vote on any matter before the board or make  
2 or second any motion before the board; and

3           (2) is not counted in determining whether a quorum  
4 exists for a meeting of the board or in determining the outcome of  
5 any vote of the board.

6           (f) The faculty senate of the general academic teaching  
7 institution or medical and dental unit at which a current faculty  
8 regent was employed at the time of the faculty regent's appointment  
9 as faculty regent may not solicit applicants for the position of  
10 faculty regent for the next regular term of the position.

11           (g) A vacancy in the position of faculty regent for a  
12 university system shall be filled for the unexpired term by  
13 appointment by the governor in consultation with the chancellor of  
14 the system.

15           (h) A faculty regent serves without compensation but is  
16 entitled to be reimbursed for the actual expenses incurred by the  
17 faculty regent in attending the meetings of the board of regents,  
18 subject to the approval of the chairman of the board of regents.

19           Sec. 51.359. NONVOTING FACULTY REGENT; INSTITUTION BOARD OF  
20 REGENTS. (a) This section applies only to a general academic  
21 teaching institution that is not a part of a university system.

22           (b) In this section, "faculty senate" means the  
23 representative faculty organization directly elected by the  
24 general faculty of a general academic teaching institution.

25           (c) The president of a general academic teaching  
26 institution shall develop a uniform application form to be used to  
27 solicit applicants for the position of faculty regent.

1       (d) Not later than November 1 of each year, the faculty  
2 senate of the general academic teaching institution shall solicit  
3 applicants from the faculty of the institution for appointment to  
4 the next regular term of the position of faculty regent. Not later  
5 than January 1, from among the applications received by the faculty  
6 senate, the faculty senate shall select five applicants as the  
7 faculty senate's recommendations for the position of faculty regent  
8 and send the applications of those applicants to the president of  
9 the institution. From among those applicants, the president shall  
10 select two or more applicants as the institution's recommendations  
11 for the position of faculty regent and shall send the applications  
12 of those applicants to the governor not later than February 1. The  
13 governor may request to review all applications for the position of  
14 faculty regent received by the faculty senate and may request an  
15 applicant to submit additional information to the governor. On  
16 June 1, or as soon thereafter as practicable, the governor shall  
17 appoint one of the applicants to serve as the faculty regent for the  
18 institution for a one-year term expiring on the next May 31. The  
19 governor is not required to appoint an applicant recommended by the  
20 president.

21       (e) To be eligible for appointment as faculty regent, a  
22 person must be a tenured faculty member at the general academic  
23 teaching institution and be in good standing as determined by the  
24 institution at the time of appointment. The person must remain  
25 employed as a faculty member of the institution throughout the  
26 person's term as a faculty regent.

27       (f) A faculty regent is not a member of the board of regents

1 of the institution for which the faculty regent is appointed. A  
2 faculty regent has the same powers and duties as the members of the  
3 board of regents of the institution, including the right to attend  
4 and participate in meetings of the board of regents, except that the  
5 faculty regent:

6 (1) may not vote on any matter before the board or make  
7 or second any motion before the board; and

8 (2) is not counted in determining whether a quorum  
9 exists for a meeting of the board or in determining the outcome of  
10 any vote of the board.

11 (g) A vacancy in the position of faculty regent for an  
12 institution shall be filled for the unexpired term by appointment  
13 by the governor in consultation with the president of the  
14 institution.

15 (h) A faculty regent serves without compensation but is  
16 entitled to be reimbursed for the actual expenses incurred by the  
17 faculty regent in attending the meetings of the board of regents,  
18 subject to the approval of the chairman of the board of regents.

19 SECTION 2. The initial term of a faculty regent appointed  
20 for a state university system under Section 51.358, Education Code,  
21 as added by this Act, or for a state university under Section  
22 51.359, Education Code, as added by this Act, expires May 31, 2011.  
23 The appropriate faculty senates, the chancellor of each state  
24 university system, the president of each state university that is  
25 not a part of a university system, and the governor shall take the  
26 actions required by Sections 51.358 and 51.359, Education Code, as  
27 added by this Act, as soon as practicable after this Act takes

1 effect to select a faculty regent for each state university or state  
2 university system for that initial term.

3 SECTION 3. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2009.